

# TOWN OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

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WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION  
BOARD OF ZONING APPEALS  
ZONING ENFORCEMENT  
BUILDING PERMITS

<b>Meeting Date:</b>	November 19, 2007
<b>Docket Number:</b>	0711-VS-029
<b>Appellant:</b>	Bank of Indianapolis
<b>Property Address:</b>	2714 East 146 <sup>th</sup> Street
<b>Variance of Standard Request:</b>	<i>WC 16.08.010, I5e</i> Monument sign

### EXHIBITS

- |                                      |            |
|--------------------------------------|------------|
| 1. Staff Report                      | 11/19/2007 |
| 2. Aerial Location Map               | 11/19/2007 |
| 3. 0707-DP-09, Letter of Grant       | 07/23/2007 |
| 4. Appellant's Application and Plans | 10/15/2007 |

### RELATED CASES

- |            |                           |
|------------|---------------------------|
| 0707-DP-09 | Development Plan Approval |
| 07-S-055   | Sign Permit, Wall Signs   |

### VARIANCE OF STANDARD REQUEST

This variance of standard request is to allow for an individual monument sign on an outlot of a non-residential center in the SB-PD District (*WC 16.08.010, I5e*). Specifically, this request is for the Bank of Indianapolis site at the Cool Creek Village non-residential center.

### PROPERTY INFORMATION

The subject property is approximately one acre, located on 146<sup>th</sup> Street in the Cool Creek Village non-residential center. The property is zoned SB-PD and is used commercially. Abutting property to the north and east is zoned SB-PD and is part of the Cool Creek Village non-residential center. Abutting property to the west is zoned SB-PD and is part of the Cool Creek Commons non-residential center. Abutting property to the south (across 146<sup>th</sup> Street) is within the City of Carmel's planning and zoning jurisdiction. Property to the south is located in Carmel's R-1 District, which is identified as a low-density single-family residential district, characterized by lots with areas between 10,000 square feet and one (1) acre. The subject property does not fall within any of the Town's overlay districts.

## PROPERTY HISTORY

The development plan and site plan for the subject property were conditionally approved by the Advisory Plan Commission on July 23, 2007 (0707-DP-09). One of the conditions of approval states that, "The petitioner acknowledges that the [monument] sign depicted on the submitted site plan is not permitted by the terms of the Sign Ordinance, and that no permit for any such sign will be issued."

There are no variances, special exceptions, or pending enforcement cases on record for the subject property.

## ANALYSIS

The submitted application depicts plans for a six foot (6') eight inch (8") tall, 26.4 square foot monument sign. The proposed materials, EIFS and brick, would match the exterior finish of the bank building. The submitted plans indicate that the proposed sign would be located on the east side of the center's western-most 146<sup>th</sup> Street access drive. Additionally, the submitted plans indicate that the proposed monument sign would be located within a fifteen foot (15') drainage and utility easement. Typically, signs and other structures are not permitted within drainage and utility easements. The location of any sign within the easement would require permission from the Westfield Public Works Department.

By definition, the subject property is an outlot (WC 16.04.210), and the Sign Ordinance does not permit outlots of non-residential centers their own monument signage. The intent of this regulation is to protect the visual integrity of the community's corridors by limiting the amount of monument signage within a non-residential center.

According to the most-recent sign permit for the Bank of Indianapolis, the maximum sign area allocated for the site is 80.24 square feet (includes sign-area bonus provisions) (07-S-055). Also according to sign permit 07-S-055, the wall signs consume 76.03 square feet of the available signage, leaving 4.21 square feet of available signage. If the requested variance is approved, the monument sign would be counted against the total sign-area allotment for the site. As a result, the existing signage would have to be modified to accommodate the monument sign.

## FINDINGS

*No variance of standard shall be granted unless the BZA finds all of the following to be true:*

- a. **That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

**Findings:** It is unlikely that the approval of the requested variance of standard would be injurious to the public health and safety of the community. Given the location of the stop line at the access drive, the proposed location of the sign would not infringe upon a driver's line of site for entering 146<sup>th</sup> Street. Additionally, it is unlikely that the proposed location of the sign would infringe upon the line of site for a driver on west-bound 146<sup>th</sup> Street. By allowing an additional monument sign within the center, the community's goal of protecting the visual integrity of the 146<sup>th</sup> Street corridor could be jeopardized.

**b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

**Findings:** Allowing a monument sign on the subject property would not prevent the use of adjacent property. Approving the requested variance would not preclude a permitted business within the center the ability to operate and advertise, as allowed by the provisions of the zoning ordinance. However, if the requested variance is approved, adjacent businesses could experience less visibility and marketability than a business on the subject property. The unequal treatment of signage could negatively impact adjacent properties and business.

**c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

**Findings:** Strict adherence to the zoning ordinance would not result in a practical difficulty or prevent the use of the subject property. The ordinance does not prevent signage of the property. It allows wall signs, awning signs, and under-canopy signs based on a ratio of one square foot of sign area for each linear foot of building fronting on a public right-of-way.

**NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.**

**RECOMMENDED MOTION**

Deny this variance of standard request based on the findings of this report.

Should the Board move to approve this variance of standard request, the following conditions would be appropriate:

1. That the monument sign area shall be counted against the total sign area allotment for the site;
2. That the subject property/outlot shall have no more than one (1) monument sign;
3. That the monument sign shall not exceed six feet (6') in height, including any base and cap features;
4. That the display area of the monument sign shall not exceed 24 square feet in size, per face;
5. That the monument sign comply with all rear yard and side yard setback requirements for the SB-PD District;
6. That the monument sign be located a minimum of five feet (5') from any property line, easement, right-of-way, parking lot, pedestrian pathway, or vehicular driveway;
7. That all General Sign Regulations (WC 16.08.010, E) shall apply; and,
8. That all Sign Lighting standards (WC 16.07.010, G) shall apply.

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KMT



National Bank of Indianapolis  
Exhibit 2





# TOWN OF WESTFIELD

## COMMUNITY DEVELOPMENT DEPARTMENT

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WESTFIELD-WASHINGTON TOWNSHIP  
ADVISORY PLAN COMMISSION  
BOARD OF ZONING APPEALS  
ZONING ENFORCEMENT  
BUILDING PERMITS

July 30, 2007

Ms. Diana Brenner  
Brenner Design Incorporated  
108 East Market Street  
Indianapolis, IN 46204

RE: 0707-DP-09 & 0707-SIT-07 Brenner Design – National Bank of Indianapolis

Dear Ms. Brenner:

The Westfield-Washington Township Advisory Plan Commission met on July 23, 2007 to review:

0707-DP-09 & 0707-SIT-07 2714 East 146th Street, Brenner Design requests Development  
Plan and Site Plan review of a proposed 4,000 square foot structure on approximately  
1.046 acres in the SB-PD district

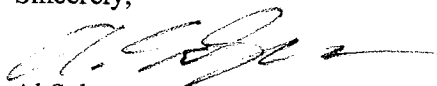
The Commission voted unanimously to approve 0707-DP-09 and 0707-SIT-07 with the following conditions:

1. That the petitioner complies with any requirements from the Westfield Public Works Department;
2. That the petitioner complies with any requirements from the Hamilton County Surveyor's Office;
3. That the petitioner acknowledges that the sign depicted on the submitted site plan is not permitted by the terms of the Sign Ordinance, and that no permit for any such sign will be issued;
4. That these conditions be fulfilled prior to receiving a building permit for the proposed improvements.

At this time, please secure the necessary permits from the Westfield Community Development Department prior to the installation of a sign and/or structure on the property in question. Failure to do so, prior to construction, may result in enforcement action and/or fines.

Please contact the Community Development Department with further questions.

Sincerely,



Al Salzman  
Senior Planner  
Town of Westfield



Petition Number: 0711-VS-029  
 Date of Filing: 10/15/07

**Application for VARIANCE OF DEVELOPMENT STANDARD**  
**Westfield – Washington Township**  
**Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name The National Bank of Indianapolis; Monnie Maurer  
 Address 107 N. Pennsylvania St., Suite 700  
Indianapolis, IN 46204  
 Telephone Number (317) 261-9000  
 E-Mail Address shamis@nbofi.com
2. Landowner's Name Thompson Thrift; Paul M. Thrift  
 Address 901 Wabash Ave., Suite 300  
Terre Haute, IN 47807  
 Telephone Number (812) 235-5959
3. \*Representative Brenner Design, Inc.; Tom McDowell  
 \*Address 108 E. Market St.  
Indianapolis, IN 46204  
 \*Telephone Number (317) 262-1220  
 \*Email Address tmcdowell@brennerdesign.com

\*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)  
The National Bank of Indianapolis at Cool Creek  
2714 E. 146th Street  
Carmel, IN 46033
5. Legal description of property (list below or attach)  
see attached
6. Complete description of the nature of the development standard variance applied for:  
A proposed nonresidential monument sign for  
The National Bank of Indianapolis, located on  
an outlot of the Cool Creek Village retail  
development; monument sign to be landscaped,  
w/ tenant's name and logo on two sides.

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
  - Location and dimensions of existing and proposed structures;
  - Location and dimensions of existing and proposed points of ingress and egress; and
  - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

*No variance of development standard shall be granted unless the BZA finds all of the following to be true :*

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

The proposed monument sign will be beneficial to public health & safety as it will aid motorists in readily identifying the bank's location and anticipating the turn into Cool Creek Village from either approach on 146th Street

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

The use and value of adjacent property will be enhanced; the monument sign will match the brick and limestone of the bank exterior and will be attractively landscaped

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

The lack of a monument sign will make it more difficult for bank patrons to readily locate the building and anticipate the need to slow and turn into Cool Creek Village. The proposed signage for the retail center as a whole will be a substantial distance to the east of the tenant's outlot.



TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Tom M. Dwyer  
Applicant

SUBSCRIBED AND SWORN TO ME THIS 15<sup>TH</sup> DAY OF OCTOBER, 2007.

But e Riffa  
Notary Public

My commission expires: 12-8-2011

Cool Creek Development  
Bank Parcel  
Created: May 7, 2007

Part of the Southeast Quarter of Section 18, Township 18 North, Range 4 East in Washington Township, Hamilton County, described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of said Section 18; thence South 89 degrees 45 minutes 45 seconds West (an assumed bearing) 1,209.84 feet along the South Line of the Southeast Quarter of said Section 18 to the eastern boundary line of the 0.165 acre tract of land described within Instrument Number 9709733807 of the Hamilton County Recorder's Office; thence North 00 degrees 14 minutes 15 seconds West 49.86 feet along the eastern boundary line of said 0.165 acre tract to the northern right-of-way line of 146th Street, the following six (6) courses are along the northern right-of-way line of 146th Street; 1) thence South 89 degrees 45 minutes 45 seconds West 418.44 feet; 2) thence South 03 degrees 48 minutes 39 seconds West 4.88 feet; 3) thence South 89 degrees 45 minutes 45 seconds West 90.20 feet to the POINT OF BEGINNING of this description; 4) thence South 89 degrees 45 minutes 45 seconds West 20.46 feet; 5) thence North 89 degrees 41 minutes 45 seconds West 104.94 feet; 6) thence North 89 degrees 13 minutes 25 seconds West 59.28 feet; thence North 00 degrees 14 minutes 15 seconds West 215.22 feet to a point of curvature to the right, said point being located South 89 degrees 45 minutes 45 seconds West 31.50 feet from the radius point of said curve; thence Northeasterly 49.48 feet along said curve to its point of tangency, said point being located North 00 degrees 14 minutes 15 seconds West 31.50 feet from the radius point of said curve; thence North 89 degrees 45 minutes 45 seconds East 153.17 feet; thence South 00 degrees 14 minutes 15 seconds East 248.76 feet to the POINT OF BEGINNING containing 1.046 acres, more or less.

## CONSENT FORM

The undersigned Paul M. Thrift, being the owner of the portion of land located along the north side of 146<sup>th</sup> Street, just east of Cool Creek known as the Cool Creek Village Bank Parcel (described in the attached legal description), hereby authorizes The National Bank of Indianapolis, Brenner Design, and American Structurepoint, Inc. to apply for and execute land development applications for the propose of obtaining necessary permits from the Town of Westfield.

Paul M. Thrift  
Owner Signature

Paul M. Thrift  
Name Printed

6-12-07  
Date

STATE OF INDIANA  
COUNTY OF Hamilton, SS:

Subscribed and Sworn to before me this 12 day of June, 2007.

My Commission Expires:

June 6, 2014

Debra Jean Wood  
Notary Public

Debra Jean Wood  
Name Printed

Resident of Hamilton County.